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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,062	02/28/2002	Joseph M. Jilka	P04532US1	3714
22885	7590	09/23/2004	EXAMINER	
MCKEE, VOORHEES & SEASE, P.L.C. 801 GRAND AVENUE SUITE 3200 DES MOINES, IA 50309-2721			GIBBS, TERRA C	
			ART UNIT	PAPER NUMBER
			1635	

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

### DETAILED ACTION

The amendment to the claims filed on July 16, 2004, does not comply with the requirements of 37 CFR 1.121(c) because Applicants have made multiple changes to the claims that are not indicated by either bracketing, underlining, or strike-through. It appears that Applicant is relying on both the original claims filed February 28, 2002 and the amendment to the claims filed March 1, 2004 to present the claims as now amended on July 16, 2004. It is noted that the amendment to the claims filed March 1, 2004 were entered on the record. In the current amendment filed July 16, 2004, Applicants should have relied on the claims filed March 1, 2004 to present any changes in the claims. It is further noted that the amendment to the claims filed July 16, 2004 have been entered on the record and have therefore replaced any prior version(s) of the claims. **Therefore, any new amendments to the claims should rely on the claims of record as presented in the amendment filed on July 16, 2004.**

As indicated above, the amendment to the claims filed on July 16, 2004, does not comply with the requirements of 37 CFR 1.121(c) because Applicants have made multiple changes to the claims that are not indicated by either bracketing, underlining, or strike-through. In Applicants next attempt to comply with the requirements of 37 CFR 1.121(c), Applicants should rely on the claims of record as presented in the amendment filed on July 16, 2004. The following are examples to show the amendment to the claims filed on July 16, 2004 does not comply with the requirements of 37 CFR 1.121(c). For example, claim 8 as now amended deleted (stricked-through) the phrase "two overlapping HSE at position -204 - -190". However, in the previous amendment to the claims filed March 1, 2004, claim 8 recited the phrase "two overlapping **heat shock elements** at position at position -214 - -190". In claim 11 as now amended the word

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“said” is deleted (bracketed), however, in the previous amendment to the claims filed March 1, 2004, the word “said” is not present. In claim 28 as now amended the word “contains” is missing where it was added (underlined) in the previous amendment to the claims filed March 1, 2004. The above are examples and not intended to indicate the Examiner has made an exhaustive review of the application. Applicants must comply with the requirements of 37 CFR 1.121(c) in order for any response to this action to be considered fully responsive.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terra C. Gibbs whose telephone number is (571) 272-0758. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, John L. LeGuyader can be reached on (571) 272-0760. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tcg  
September 10, 2004

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